

FORM PTO-1390  
(REV. 02-2005)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

**40072-0022**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

**10/538,466**

INTERNATIONAL APPLICATION NO.

**PCT/JP03/16036**

INTERNATIONAL FILING DATE

**December 15, 2003**

PRIORITY DATE CLAIMED

**December 13, 2002**

TITLE OF INVENTION

**INTERMEDIATES OF 2-SUBSTITUTED CARBAPENEM DERIVATIVES AND  
PROCESS FOR PRODUCTION THEREOF**

APPLICANT(S) FOR DO/EO/US

**Toshiro SASAKI; Takashi ANDO; Yasuo YAMAMOTO; Takahiro IMAI; Dai KUBOTA; Katsuhiko NOGUCHI;  
Nobuyuki HORI; Eiki SHITARA; Kunio ATSUMI; Shohei YASUDA**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ had been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 37 CFR 1.821-1825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Response to Notification to Comply; copy of Notice (dated 8/3/06)





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,466	Toshiro Sasaki	40072-0022

INTERNATIONAL APPLICATION NO.
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PCT/JP03/16036

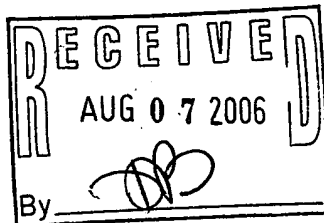
I.A. FILING DATE	PRIORITY DATE
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12/15/2003

12/13/2002

26633

HELLER EHRMAN WHITE & MCAULIFFE LLP  
 1717 RHODE ISLAND AVE, NW  
 WASHINGTON, DC 20036-3001



CONFIRMATION NO. 5434

371 FORMALITIES LETTER



\*OC000000019868514\*

Date Mailed: 08/03/2006

### NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** OR a substitute computer readable form (CRF) copy of the "Sequence Listing". These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.

- Send e-mail correspondence for Patent Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,466	PCT/JP03/16036	40072-0022

FORM PCT/DO/EO/922 (371 Formalities Notice)



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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10/538,466	Toshiro Sasaki	40072-0022

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PCT/JP03/16036

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12/15/2003

12/13/2002

26633  
 HELLER EHRMAN WHITE & MCAULIFFE LLP  
 1717 RHODE ISLAND AVE, NW  
 WASHINGTON, DC 20036-3001

CONFIRMATION NO. 5434

371 WITHDRAWAL NOTICE



\*OC000000019603746\*

Date Mailed: 08/03/2006

## WITHDRAWAL OF PREVIOUSLY SENT NOTICE

The Acceptance Notice mailed on 07/13/2006 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the enclosed Notice. We apologize for any inconvenience this caused.

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 PAULETTE R KIDWELL

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 Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 40072-0022

Applicant(s) Toshio SASAKI et al. Confirmation No. 5434  
Appl. No.: 10/538,466 Examiner: Unassigned  
Filing Date: June 10, 2005 Art Unit: Unassigned  
Title: INTERMEDIATES OF 2-SUBSTITUTED CARBAPENEM DERIVATIVES  
AND PROCESS FOR PRODUCTION THEREOF

**RESPONSE TO NOTIFICATION TO COMPLY WITH  
REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: SEQUENCE LISTING

Sir:

This communication responds to the Notification to Comply With Requirements for Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures mailed August 3, 2006, for the above-captioned application. Applicants respectfully submit that this application does not contain a nucleotide or amino acid sequence and therefore no sequence listing is required. Applicants believe no filing fees are due at this time, however, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

9/6/06

Date

Patricia D. Granados

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